

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID NATHANIEL ROBERTS,

Plaintiff,

v.

PLRA,

Defendant.

No. 2:23-cv-00519-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS

(Doc. Nos. 2, 7)

Plaintiff David Roberts is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) be denied because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 7.) The magistrate judge also recommended that plaintiff be ordered to pay the required \$402.00 filing fee in full in order to proceed with this action. (*Id.* at 4.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no

1 objections have been filed, and the time in which to do so has since passed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
3 conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
4 undersigned concludes that the findings and recommendations are supported by the record and
5 proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on April 7, 2023 (Doc. No. 7) are
8 adopted;
- 9 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 10 3. Within thirty (30) days from the date of service of this order, plaintiff shall pay the
11 \$402.00 filing fee in full in order to proceed with this action;
- 12 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time
13 will result in the dismissal of this action; and
- 14 5. This matter is referred back to the assigned magistrate judge for further
15 proceedings consistent with this order.

16 IT IS SO ORDERED.

17 Dated: June 15, 2023

18 
UNITED STATES DISTRICT JUDGE